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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,865	11/02/2001	Anuj Batra	TI-32769	7454

7590 05/24/2006

Dennis Moore  
Texas Instruments Incorporated  
M/S 3999  
P.O. Box 655474  
Dallas, TX 75265

EXAMINER
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WANG, TED M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

Application No.

10/003,865

Applicant(s)

BATRA ET AL.

Examiner

Ted M. Wang

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 17-20.  
Claim(s) objected to: 4, 14 and 15.  
Claim(s) rejected: 1-3, 5-13 and 16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

**Continuation Sheet (PTOL-303)**

***Response to Arguments***

1. Applicant's arguments, filed on 04/24/2006, with respect to claim 1 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference to reasonably and properly meet the claimed limitations.

*Independent Claim 1*

(1) *Applicants' argument* – “First, Mansfield does not teach mapping hopping frequencies to desired frequencies. Instead, Mansfield actually “avoids” bad channel.” as recited.

*Examiner's response* – In response to applicant's argument as described in the above paragraph, the examiner cites Fig.5 and 7, column 3 lines 1-26 and column 7 lines 34-46, column 9 lines 5-50, and column 11 line 13 – column 12 line 39 of Mansfield's reference for explanation. In these paragraphs, Mansfield clearly teaches that the non-desired frequency type (distressed (bad) channel frequencies) is identified 38 and kept in the frequency blacklist 36, a look –ahead frequency selection box 32 which provides a "look-ahead" mechanism, which determines and stores, in a frequency storage mechanism 34, the next few "future channel frequencies" 70 which are to be selected are then input to interference avoidance algorithm 44 to compare with the non-desired frequency type 36. The interference avoidance mechanism 44 for determining, from said tracker 36, which of the subsequent frequency channel slots is scheduled to

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operate at a distressed (bad) frequency, and wherein said frequency selector avoids beginning transmissions in any frequency channel slot associated with a distressed (bad) channel frequency by adjusting the schedule.

The BT system Mansfield's is modified to look ahead to see which BT channel frequencies are soon be used, and, when comparing the potential channel frequencies with a separately maintained channel frequency blacklist of channel frequencies having unacceptable interference thereon, the BT system dynamically adapts among the different length BT packet lengths **to avoid transmission on blacklisted channel frequencies** (column 7 lines -42).

*Since Mansfield teaches comparing the future original frequencies to be used with the known detected distressed (bad) channel frequencies to **avoid** transmission on blacklisted channel frequencies ((bad) channel frequencies), it is **inherent** that the future original frequencies to be used (if they are assigned as the same frequencies as indicated in the blacklisted channel frequency) are mapped to the good channel frequencies (non-distressed channel frequencies) before transmission.*

In addition, the main purpose of mapping the original frequency to the desired frequency type when the original frequency is not the desired frequency type **as recited from Claim 1 lines 9-10 of the instant application, is to avoid transmitting or communicating in the non-desired frequency type with others.**

Thus, for the explanation addressed in the above paragraph, the rejection with Manfield's references is adequate.


### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M. Wang

  
**KEVIN BURD**  
**PRIMARY EXAMINER**

Ted M Wang  
Examiner  
Art Unit 2634